



ENLISTED ADMINISTRATIVE SEPARATION



Army Regulation 635-200 sets forth the policies, standards, and procedures to insure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Listed below are the most common reasons, both voluntary and involuntary, for separation from the military.

1. Chapter 11 - Entry Level Performance and Conduct

- a. Unsatisfactory performance or minor disciplinary infractions. Your commander can only use this type of discharge within your first 180 days of active duty.
- b. See paragraph 11-2: Unsatisfactory performance and/or conduct evidenced by (a) inability; (b) lack of reasonable effort; (c) failure to adapt to military environment; (d) minor disciplinary infractions.

2. Chapter 13 – Unsatisfactory Performance

- a. After entry-level status, your commander can separation you under this chapter if your performance has been unsatisfactory. Criteria listed in paragraph 13-2.

3. Chapter 14 – Misconduct

- a. Conviction by a civil court – paragraphs 14-5 through 14-11.
- b. Conviction by a foreign court – paragraph 14-9.
- c. Acts or Patterns of Misconduct – paragraphs 14-12 through 14-17.

4. Chapter 15 – Homosexuality

- a. Homosexual acts, statement(s) that demonstrate a propensity or intent to engage in homosexual acts, homosexual marriage, or attempted homosexual marriage. Sexual orientation is not a bar to continued service unless manifested by homosexual conduct.

5. Chapter 10 – Discharge in Lieu of Trial by Courts-Martial

- a. Preferral or referral of charges to courts-martial that includes a punitive discharge as part of punishment.
- b. Paragraph 10-1 – Soldier may request discharge instead of courts-martial if offense is punishable by Bad Conduct Discharge or Dishonorable Discharge.
- c. Paragraph 10-2 – If Soldier is in this situation, he or she is entitled to consult with Trial Defense Service attorney before deciding between separation and courts-martial.

6. Chapter 5 – For the Convenience of the Government

- a. Separation is in the best interest of the Army. Examples:
 - i. Involuntary Separation Due to Parenthood (para. 5-8) – When parental obligations interfere with fulfillment of military responsibilities.
 - ii. Concealment of Arrest Record (para. 5-14) – If false statements regarding a juvenile or adult offense were made in enlistment documents.
 - iii. To Further Education (para. 5-16) – If Soldier meets certain requirements, may be released from Active Duty for the convenience of the government up to 90 days before ETS.
 - iv. Other Physical or Mental Conditions (para. 5-17) – For conditions that may potentially interfere with performance of duty (e.g., chronic airsickness, seasickness, sleepwalking, claustrophobia).

7. Chapter 6 – Dependency & Hardship

- a. Dependency – para. 6-3a – Dependency exists when death or disability of a member of the Soldier's (or spouse's) immediate family causes that member to rely upon the Soldier for principal care or support.
- b. Hardship – para. 6-3b – Hardship exists in circumstances not involving the death or disability of a member of the Soldier's (or spouse's) immediate family, separation from the Service will materially affect the care or support of the family by alleviating undue and genuine hardship (ex. sole parent).

8. Chapter 7 - Defective Enlistment, Reenlistment and Extensions (paras. 7-3 – 7-14)

- a. Fraudulent Entry – para. 7-17.
- b. Erroneous Enlistment – para. 7-15.
- c. Defective/Unfulfilled Enlistment or Re-enlistment Agreements – para. 7-16.

9. Chapter 8 - Voluntary Separation of Enlisted Women for Pregnancy

- a. See Ch. 8, AR 635-200.

10. Chapter 9 - Alcohol and Drug Abuse Rehabilitation Failure

- a. Because of inability or refusal to participate in or complete ADAPCP program.
- b. Paragraph 9-2 states that Soldier must have a lack of potential for future service or long term rehabilitation is necessary.

11. Chapter 12 – Voluntary Retirement for Length of Service in Enlisted Status

- a. For retirement for length of service in commissioned or warrant status, see Ch. 6, AR 600-8-24.

12. Some types of separations have counseling and rehabilitation rights.

See para. 1-16. These rights may include:

- a. To be notified of the separation action.
- b. To be advised of the reason for the separation action.
- c. To be advised of the least favorable characterization of discharge you could receive.
- d. To be advised of the type of discharge your commander is recommending that you receive upon discharge.
- e. The right to consult with a Trial Defense Service attorney at no expense to you.
- f. The right to submit matters on your behalf.
- g. The right to request a board of officers to hear your case and a lawyer to represent you. You are entitled to an administrative board if your commander is recommending that you receive an Other than Honorable Conditions discharge or below, or if you have 6 or more years of active and reserve service at the time the separation action is initiated.
- h. The right to submit a “conditional waiver.” You may waive the administrative board on the condition that you receive a more favorable form of discharge (Honorable or General Discharge).
- i. The right to request witnesses on your behalf.

** This handout is for general informational purposes only. For specific questions concerning individual circumstances, or for questions in general about separation, contact the Client Legal Services Office in your area.*

<p>Yongsan Client Legal Services Office, Bldg 4106, room 229 (ACS building). Please call 738-6841/8111 for an appointment. Office hours: M, Tu, W, F 0900-1600 and Th 1300-1500.</p>
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